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July 30, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: *In the Matter of Numbering Resource Optimization; Connecticut DPUC Petition for Rulemaking to Amend the Commission's Rule Prohibiting Technology-Specific or Service-Specific Area Code Overlays; Massachusetts DTE Petition for Waiver to Implement a Technology-Specific Overlay in the 508, 617, 781, and 978 Area Codes; California PUC and the People of the State of California Petition for Waiver to Implement a Technology-Specific or Service-Specific Area Code, CC Docket 99-200; RM No. 9258; NSD File No. L-99-17; NSD File No. L-99-36, FCC 99-122 (rel. 6/3/99).*

Madam Secretary:

The National Association of Regulatory Utility Commissioners ("NARUC") respectfully submits these comments in response to the Federal Communications Commission's ("FCC" or "Commission") Notice of Proposed Rulemaking ("NPRM"), adopted May 2, 1999 and released June 2, 1999 in the above-captioned proceeding. *NARUC urges the FCC to move quickly to (1) grant states needed flexibility to implement 1000 block numbering pooling where ever needed immediately and (2) establish more stringent and enforceable assignment guidelines and give states authority to enforce them.*

In support of these requests, NARUC states as follows:

NARUC has actively supported requests from six of its member states seeking additional authority to slow the exhaust of specific NPA codes and is pleased the FCC is taking action to extend the life of the North American Numbering Plan ("NANP"). The June 2, 1999 NPRM solicits comments on a variety of measures intended to increase the efficiency with which telecommunications carriers use telephone numbering resources.

Shortly after the NPRM was adopted, NARUC convened a working group of its member states to collaborate on a response to the FCC's requests for specific comment. That working group created a template of the issues raised by the rulemaking that several states used as the basis for their comments. The working group also sponsored a resolution that passed last week at NARUC's Summer Committee Meetings in San Francisco, California.

National Association of
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That resolution, which is attached as Appendix A, makes takes three positions on the FCC's NPRM:

- First, the resolution expresses strong support for the FCC's efforts to extend the life of the NANPA;
- Second, the resolution urges the FCC to complete this proceeding expeditiously; and
- Finally, the resolution asks NARUC's member states to file comments in this proceeding urging the FCC not to condition or limit the imposition of number pooling and to increase state's authority to take action to conserve numbering resources.

Specifically the resolution, suggests the FCC should

- Abandon the voluntary Central Office Code Administration Guidelines and establish more stringent, enforceable number assignment rules and regulations;
- Eliminate carrier discretion to "pick and choose" the number conservation measures in which they wish to participate and instead grant States and territories, which have an obligation to protect the public interest, flexibility in developing a number conservation plan which is consistent with national standards but which also meets the State's specific needs;
- Establish uniform standards for thousand block pooling and allow States to require the implementation of thousand block pooling as soon as possible;
- Allow States and territories to implement thousand block pooling in all LNP-capable switches in all areas of the country, not just the top 100 MSAs;
- Refuse to condition the implementation of thousand block pooling upon rate center consolidation; and
- Give states strong enforcement authority over all code holders (including wireless carriers) and access to all information collected by the FCC and NANPA.

In the NPRM, the FCC clearly acknowledges the existence of serious problems with the utilization of numbering resources. The NPRM attempts to address the causes of area code exhaustion. NARUC believes existing procedures, which require, *inter alia*, the allocation of numbers in 10,000 blocks, regardless of the actual underlying need for numbers, are just not practical. While conversion to a common, industry-wide number inventory might be the most effective way of achieving allocation efficiency, NARUC urges the FCC to immediately take the intermediate step of requiring the assignment of numbers in 1000 blocks in all parts of the country. Limiting it to the top 100 MSAs will undercut efforts to conserve resources – particularly since many of the areas excluded are likely to have the lowest fill ratios. Thousand block assignment would allow service providers to continue to use internal inventories, is readily implementable and "trial tested," builds on the network and operational changes already in place for local number portability, and is minimally disruptive to service providers, administrative operations and systems. Further, trials of individual pooling and/or unassigned number porting could continue while 1000 block assignment is implemented.

Although national rules are appropriate in some respects, any rules that are adopted should not hamper the state commissions ability to provide meaningful area code relief or have the effect of prohibiting ongoing pooling trials. The NPRM also suggests individual carriers be given the "choice" of what conservation methods the carrier considers most appropriate for its

needs and questions when and how rate center consolidations should occur." [W]e seek comment on whether we should simply establish thresholds for efficient use of numbering resources, but leave the choice of method for achieving these thresholds to individual carriers." (NPRM, ¶ 216.) The net effect of that and other proposals is to set up a system where a states' ability to implement number pooling could be held hostage to a federal requirement that rate center consolidation be accomplished first.

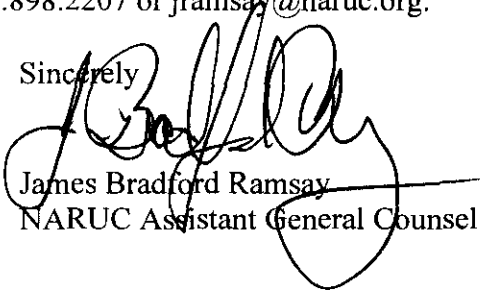
NARUC also believes that additional enforcement authority – with respect to the FCC's numbering guidelines – should be delegated to the States within the FCC's competitive neutrality and other core policy parameters. No industry participant has a sufficient incentive to use numbers efficiently. A third party must be empowered to enforce adherence to the guidelines. Given staffing constraints, it makes sense for the FCC to delegate many functions to a NANPA. However, because of the difficulty of asking a contractor to make tough resource allocation decisions and take vigorous and controversial enforcement actions, the FCC should delegate such actions to state commissions, under FCC guidelines.

While the States are pleased the FCC has recognized the numbering crisis facing the country and opened a rulemaking on numbering conservation issues, during the pendency of this rulemaking, NARUC also urges the FCC to, on an interim basis, .

- Act immediately on pending State requests for delegations of additional authority to deal with number exhaust;
- Provide some generic interim delegation of numbering conservation authority pending completion of the numbering optimization rulemaking.

If you have any questions or comments concerning this correspondence, please do not hesitate to contact me at 202.898.2207 or jramsay@naruc.org.

Sincerely



James Bradford Ramsay
NARUC Assistant General Counsel

APPENDIX A

Resolution on the FCC's Number Resource Optimization Rulemaking Proceeding

WHEREAS, The current numbering administration process for the North American Numbering Plan has proven to be inadequate and has led to the inefficient use of numbering resources and the premature assignment of new area codes; and

WHEREAS, The current numbering crisis demands immediate action by the FCC, and failure to act expeditiously will result in substantial disruption, including the activation of new, unnecessary area codes that will permanently destroy geographic associations with specific area codes, will needlessly subject both residential and business customers to unnecessary costs, confusion and inconvenience, and will wastefully consume the limited resources of both telecommunications providers and State regulators; and

WHEREAS, Companion number conservation bills, H.R. 2439 and S.B. 765, have been introduced in Congress by Representative Kucinich and Senator Collins, respectively, to reduce the need for new area codes that are being created due to the inefficient practices of the telephone companies; and

WHEREAS, The FCC's Notice of Proposed Rulemaking in the Number Resource Optimization Docket, CC Docket No. 99-200, FCC 99-122 (June 2, 1999), requests comments on many important issues and proposes several different approaches to resolve the numbering crisis; and

WHEREAS, The States and territories believe that adherence to the principles and approaches outlined below is essential to the creation of an effective, competitively-neutral, administratively feasible numbering administration system; now therefore be it

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened in its 1999 Summer Meeting in San Francisco, California, that NARUC supports the FCC's efforts in its NPRM on numbering resources and encourages State commissions to file comments with the FCC that:

- a. Urge the FCC to abandon the voluntary Central Office Code Administration Guidelines and establish more stringent, enforceable number assignment rules and regulations, and
- b. Urge the FCC not to give carriers the freedom to "pick and choose" the number conservation measures in which they wish to participate and instead grant States and territories, which have an obligation to protect the public interest, flexibility in developing a number conservation plan which is consistent with national standards but which also meets the State's specific needs; and
- c. Urge the FCC to establish uniform standards for thousand block pooling and allow States and territories to require the implementation of thousand block pooling as soon as possible; and
- d. Urge the FCC to allow States and territories to implement thousand block pooling in all LNP-capable switches in all areas of the country, not just the top 100 MSAs; and
- e. Urge the FCC not to condition the implementation of thousand block pooling upon rate center consolidation; and
- f. Request that States and territories be given strong enforcement authority over all code holders (including wireless carriers) and access to all information collected by the FCC and NANPA; and be it further,

RESOLVED, That NARUC counsel is directed to file comments consistent with this resolution with the FCC.

Sponsored by the Committee on Telecommunications

Adopted by the NARUC Board of Directors July 23, 1999